

### **REMARKS**

Upon entry of the instant amendment, claims 1-9 are pending. Claim 1 has been amended . It is respectfully submitted that upon entry of the amendment and consideration of the remarks below that the application is in condition for allowance.

### **CLAIM REJECTIONS – 35 U.S.C. § 102**

Claims 1,2 and 4-7 have been rejected under 35 USC § 102(b) as being anticipated by Nagai US Patent No. 5,216,371 (“the Nagai patent”). In order for there to be anticipation , each and every one of the elements of the claim. It is respectfully submitted that the claims recite subject matter not disclosed or suggested by the Nagai patent. For example, the claims recite that the charge indication signal is based solely on the charging current to the battery. The measuring circuit 30 disclosed in the Nagai patent, being relied upon by the Examiner, teaches away from the sensing circuit recited in the claims at issue. Specifically, the Nagai patent teaches a measuring circuit that relies on charge not current. The circuit in the Nagai patent generates a charge signal by integrating the current over time. (“...a measuring circuit which comprises a current detecting circuit 30 for detecting the value of recharge current or discharge current, an amplifier 31 for the amplification of the output signal of the current-detecting circuit 30, an arithmetic circuit 32 for integrating the value of current every unit time, etc., a timer 33 for generating a signal for defining the unit time for the *integrating* operation, and a random-access memory (RAM) 34 for holding integrated data, etc.” Nagai patent, Col. 4, lines 53-60). As such, it is respectfully submitted that the Nagai patent does not anticipate or suggest the circuit recited in the claims. The Examiner is thus respectfully requested to reconsider and withdraw the rejection of these claims.

### **CLAIM REJECTIONS – 35 U.S.C. § 103**

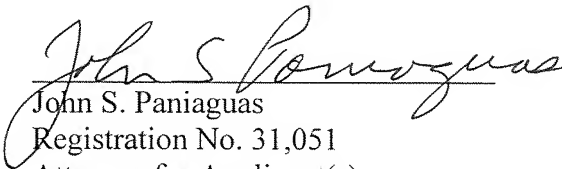
Claims 1,2 and 4-7 have been alternatively rejected under rejected under 35 U.S.C. § 103(a) as being unpatentable over the the Nagai patent further in view of Ng US Patent

Application Publication No. US 2005/0089750 A1 (“the Ng publication”)<sup>1</sup>. It is respectfully submitted that the claims, as amended, recite subject matter not disclosed or suggested by either the Nagai patent or the Ng publication., either singly or in combination. In particular, the Ng publication relates to a temperature control apparatus for lithium batteries. It does not otherwise disclose a measuring circuit. The Nagai patent was discussed above. For these reasons and for the above reasons, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 3, 8 and 9 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over the the Nagai patent further in view of Matsunaga et al US Patent No. 5,216,371 (“the Matsunaga et al patent”). The Nagai patent was discussed above. The Matsunaga et al patent was cited for disclosing various LEDs. It does not otherwise disclose a measuring circuit as recited in the claims at issue. For these reasons and the above reasons, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By:   
John S. Paniaguas  
Registration No. 31,051  
Attorney for Applicant(s)

Katten Muchin Rosenman LLP  
1025 Thomas Jefferson Street , N.W.  
East Lobby, Suite 700  
Washington, DC 20007-5201  
Telephone: (312) 902-5200  
Facsimile: (312) 902-1061  
Customer No.: 27160

---

<sup>1</sup> The Applicant assumes the rejection is based upon the Nagai patent and the Ng publication even though the Office Action only mentions the Ng publication as the basis for the rejection under 35 USC §103.